IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 27603 of 2006(J)

PETITIONER:

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1. KIZHAKKEVALAPPIL RAJAN, S/O. KUMARAN,
   THEJUS, EACHUR P.O., KANNUR.

2. P.P. SURENDRAN, SASIKALA NIVAS,
   KADACHIRA P.O., KADAMBOOR AMSOM DESOM,
   KANANNERI, KANNUR.

3. SUDHEER KUMAR, MATHAN HOUSE,
   KIZHUTHALLY P.O., KANNUR DISTRICT.

4. M.K. SUKESH, MANIKOTH HOUSE,
   KIZHUTHULLY, THAZHE CHOVVA,
   KANNUR DISTRICT.

5. MATHAN SUMITHRA, KOROTH HOUSE,
   MISSION COMPOUND, CHOVVA, KANNUR.

6. MATHAN BABU, KOROTH HOUSE,
   MISSION COPOUND, CHOVVA, KANNUR.

7. MATHAN BABY SUDHA, KOROTH HOUSE,
   MISSION COMPOUND, CHOVVA, KANNUR.

8. MATHAN SURENDRAN, KOROTH HOUSE,
   MISSION COMPOUND, CHOVVA, KANNUR.

9. MATHAN SUDHEESH, KOROTH HOUSE,
   MISSION COMPOUND, CHOVVA, KANNUR.

10. K.C. MADHAVI, NALLAKANDY HOUSE,
    MAVILAYI P.O., KANNUR TALUK,
    CHOVVA, KANNUR.

11. SUJATHA, NALLAKANDY HOUSE,
    MAVILAYI P.O., KANNUR TALUK.

12. RATHI. N.., NALLAKANDY HOUSE,
    MAVILAYI P.O., KANNUR.

13. NIRMALA. N., NALLAKANDY HOUSE,
    MAVILAYI P.O., KANNUR.

14. VANAJA N.K., NALLAKANDY HOUSE,
MAVILAYI P.O., KANNUR.

15. USHA, NALLAKANDY HOUSE,
MAVILAYI P.O., KANNUR.

16. LATHA, NALLAKANDY HOUSE,
MAVILAYI P.O., KANNUR TALUK,
KANNUR DISTRICT.

17. UDAYABHANU N.K., NALLAKANDY HOUSE,
MAVILAYI P.O., KANNUR DISTRICT.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
KANNUR DISTRICT.

2. SPECIAL TAHSILDAR (LA), RAILWAY,
KANNUR.

BY GOVT. PLEADER SRI. L.G. SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF SEC.28(A) APPLICATION DATED 11.7.2005 FILED BY THE 1ST PETITIONER BEFORE THE 1ST RESPODNENT.

EXT.P2: TRUE COPY OF SEC.28A APPLICATION DT. 21.7.95 FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPODNENT

EXT.P3: TRUE COPY OF SEC. 28A APPLICATION DATED 21.7.05 FIELD BY THE 3RD PETITIONER BEFORE 1ST RESPONDENT.

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EXT.P4: TRUE COPY OF SEC. 28A APPLICATION DATED 18.6.2005 FILED BY THE 4TH PETITIONER BEFORE 1ST RESPODNENT.

EXT.P5: TRUE COPY OF SECTION 28A APPLICATED DT. 17.6.05 FILED BY PETITIONERS 5 TO 9 BEFORE 1ST RESPSONDENT.

EXT.P6: TRUE COPY OF SECTION 28A APPLICATION DT. 21.7.2005 FILED BY THE PETITIONERS 10 TO 17AND 3 BEFORE 1ST RESPODNENT.

/ TRUE COPY /

P.S. To Judge.

K. HEMA, J.

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W.P.(C) No.27603 of 2006
=.=.=.=.=.=.=.==.=..=.==.=.=.=.=.=.=.=.
Dated this 29th day of November, 2006.

JUDGMENT

This writ petition is filed for a direction commanding first respondent to consider and pass orders on Exts.P1 to P6 applications filed under section 28A of the Land Acquisition Act ('the Act' for short), after giving notice to the petitioners.

2. petitioners are in possession of small extent of land situated in Elayavoor village in Kannur District. Certain extent of properties were acquired for the purpose of establishing a Railway line. An award enquiry was conducted and the petitioners were awarded compensation. They accepted the amount under protest. The matter was not referred under section 18 of the Act, since no request was made. Subsequently, the Addl. Sub Judge, Thalassery, as per award in L.A.R.No.39/2002 dated 7.10.2004 enhanced the rate of compensation at the rate of Rs.12,000/- per cent. The petitioners' properties are also similar and similarly situated and those are also acquired under the same notification, which was the subject matter of L.A.R.No.39 of 2002, L.A.R. 129/02 etc. Therefore, the petitioners filed applications under section 28A of the Land Acquisition Act before the first respondent for re-determination of compensation on the basis of the award passed by the Reference Court, stated above.

3. The copies of the applications under section 28A are Exts.P1 to P6. It is submitted that these applications were filed as early as in 2005. No order has been passed in the application so far. Learned Government Pleader, on instructions, submitted that the petitions are being processed and those will be considered and disposed of as early as as possible. This submissions is recorded and the following order is passed:

> The first respondent is directed to dispose of the applications (Exts.P1 to P6) as expeditiously as possible and not later than four months from the date of receipt of a copy of this judgment.

Writ Petition is allowed.

SD/-

K. HEMA, JUDGE.

Krs.